

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF OHIO
3 WESTERN DIVISION
4 -----
5 DAVID FERGUSON, et al.,
6 Plaintiffs,
7 -vs-
8 RYDER AUTOMOTIVE CARRIER SERVICES, INC.,
9 et al.,
10 Defendants.
11 -----
12 Deposition of JAMES M. DZIADASZEK, held
13 before Rebecca L. DiBello, Notary Public, at
14 the offices of DePaolo-Crosby Reporting
15 Services, 197 Delaware Avenue, Buffalo, New
16 York, on Wednesday, March 26th, 2002 at 9:30
17 AM pursuant to notice.
18 APPEARANCES: THOMAS R. KOUSTMER, ESQ.
19 (Via telephone)
20 7 West 7th Street, Suite 1800
21 Cincinnati, Ohio 45202
22 (513) 621-3616
23 Attorneys for the Plaintiffs.

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 APPEARANCES (CONTINUED):

2 LARSON & LARSON
3 BY: DAVID E. LARSON, ESQ.,
4 11300 Tomahawk Creek Parkway,
Suite 310
5 Leawood, Kansas 66211
(913) 253-3100
6 Fax: (913) 253-3109
Attorneys for Commercial
Carriers, Inc.

7 TAFT, STETTINIUS &
HOLLISTER, LLP
8 BY: CRAIG R. PAULUS, ESQ.,
9 425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202
(513) 357-9633
10 Fax: (513) 381-0205
Attorneys for Haynes Supply.

11
12 ALSO PRESENT: PETER J. TERZIAN, JR.
13 Corporate Representative,
Commercial Carriers, Inc.

14

15

16

17

18

19

20

21

22

23

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 THE REPORTER: Gentlemen, will this be usual
2 stipulations?

3 MR. LARSON: This will be conducted pursuant
4 to the U.S. District Court for the Southern
5 District of Ohio.

6

7

8 J A M E S M. D Z I A D A S Z E K
9 19 Briggs Drive, Orchard Park, New York
10 14127, having been first duly sworn, was
11 examined and testified as follows:

12

13 EXAMINATION BY MR. KOUSTMER:

14 Q. What is your date of birth?

15 A. 12-18-47.

16 Q. And where do you currently work?

17 A. I currently work for what is known as the New
18 Delavan.

19 Q. Where are they located?

20 A. 199 Lein Road, West Seneca, New York 14224.

21 Q. And what do they do? Strike that. What do
22 you do for them?

23 A. I'm the aftermarket parts sales manager.

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 Q. How long have you had that position?

2 A. Just over four years.

3 Q. And where were you before then? Where did
4 you work?

5 A. I spent a year in field support with Allied.

6 Q. What did that entail, field support?

7 A. I was setting up parts rooms in the
8 transition. Allied had acquired the Ryder
9 Auto Carrier Services Division and in the
10 transition I was up a division level of Ryder.
11 I was brought over to Allied and I was helping
12 to make the transition in the shops in the
13 parts departments, bringing their stockrooms
14 over and setting it up on what they refer to
15 -- Allied refers to as MCMS. It's a
16 maintenance control management system,
17 inventory control.

18 Q. Where did you work prior to that?

19 A. Delavan Industries. Excuse me. Ryder
20 Automotive Carrier Division.

21 Q. Okay. What did you do for them?

22 A. I was a field services manager with them.

23 Q. What is that?

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 A. I was doing hydraulic training and hydropack
2 training. I was a trainer.

3 Q. How long did you do that job?

4 A. From late '94 through the sale which was in
5 late '97.

6 Q. So after the sale in '97 is when you went to
7 Allied?

8 A. That's correct.

9 Q. Worked there for approximately a year?

10 A. Yes.

11 Q. Correct?

12 A. Yes.

13 Q. And then from there you went to the New
14 Delavan?

15 A. That's correct.

16 Q. And that would have been in '98, '99?

17 A. January of '99.

18 Q. January of '99?

19 A. Yes.

20 Q. Prior to '94 where did you work?

21 A. I worked for Delavan Industries.

22 Q. What did you do for them?

23 A. I was in the engineering department and I was

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 the engineering manager for a period of time.

2 Q. How long were you the engineering manager?

3 A. Ten or twelve years.

4 Q. Okay, and prior to being the engineering
5 manager did you work as an engineer in their
6 place?

7 A. Yes. As a designer, engineer, yes.

8 Q. What type of educational background do you
9 have?

10 A. I have a two year associates degree in
11 mechanical technology and a few college
12 courses beyond that and after that my
13 experience.

14 Q. You've been identified as somebody that might
15 know something about these cables that were on
16 the truck. I gave some exhibits to Mr. Paulus
17 and he can give them to you and I think if we
18 can just start out, if you can look at
19 Exhibits A through E has some pictures of
20 different cables on the truck.

21 Do you know what we're talking about,
22 these safety cables?

23 A. I'm familiar with them, yes.

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 Q. How are you familiar with them, sir?

2 A. Currently I'm familiar with them as a
3 replacement parts sales.

4 Q. Okay. When did you become familiar with them
5 as replacement parts sales?

6 A. Pardon me?

7 Q. When did you become familiar with them as
8 replacement parts sales?

9 A. Really right after starting with the New
10 Delavan.

11 Q. That would be in January of '99?

12 A. Yes. Prior to that my only knowledge of them
13 was really just seeing them on the equipment
14 because, of course, I was in the field.

15 MR. PAULUS: I'm going to show the witness A
16 through G.

17 MR. KOUSTMER: That's fine.

18 Q. So I understand, sir, and I wanted to show you
19 those photographs so we're talking about the
20 same thing.

21 A. Yes.

22 Q. So I understand, prior to January of '99 you
23 had nothing to do with these cables?

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 A. That's correct.

2 Q. You didn't design them?

3 A. No, sir.

4 Q. You weren't in on or you didn't take part in

5 any of the design of them?

6 A. No, sir, I did not.

7 Q. Did you know anything about them being placed

8 on the trucks other than seeing them?

9 A. No, I did not. I was surprised when they

10 first were introduced.

11 Q. Okay. Were you involved in deciding whether

12 to introduce them or not?

13 A. No, I was not.

14 Q. Do you know who was involved in that?

15 A. Probably back in the Ryder days of Vincent

16 Fortuna.

17 Q. Did you ever talk to Mr. Fortuna about that?

18 A. No, I did not.

19 Q. Did you ever talk to Mr. Terzian about it?

20 A. No.

21 Q. Did you ever have any conversations with a Mr.

22 Bill Hanes as it relates to these cables?

23 A. No, I did not.

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 Q. Do you know who Bill Hanes is?

2 A. I never met the gentlemen, but I'm familiar
3 with the name, Hanes Supply.

4 Q. Okay. So it's safe to say that you couldn't
5 offer any testimony about how these items got
6 on the trucks or what design was used for
7 them?

8 A. That is correct.

9 Q. Okay. So according to what I understand from
10 Mr. Larson, your experience with them has to
11 do with replacement, correct?

12 A. Yes.

13 Q. Okay. So in January of '99 you actually --
14 it's my understanding were working at that
15 time at the New Delavan?

16 A. Yes, that's correct.

17 Q. Is that when you came into this experience
18 with the cables?

19 A. Yes.

20 Q. Okay, and you're the marketing parts sales?

21 A. Yes. I'm aftermarket parts manager.

22 Q. Okay.

23 A. Or aftermarket sales.

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 Q. If Craig in this big stack of things I gave
2 you or gave him would turn to the answers to
3 interrogatories at the back of Allied Systems
4 and hand you that document.

5 MR. PAULUS: I'm showing the witness that
6 document.

7 Q. Okay. There is a lot of receipts attached to
8 the answers to interrogatories and if you turn
9 to the first receipt which is the invoice
10 number 24709 I believe, correct?

11 A. I'm getting there. Yes, I have it.

12 Q. Okay. Now, this Delavan Industries here on
13 2/23/99, is that what you're referring to as
14 the New Delavan Industries, Inc.?

15 A. Yes, it is.

16 Q. It's called Delavan?

17 A. That's correct.

18 Q. And you were selling parts to Allied Parts
19 Connection?

20 A. Yes.

21 Q. And then they were being shipped out I guess
22 to the local?

23 A. Right. If you read there you will see the

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

- 1 ship to is Allied Auto Group, Janesville.
- 2 Q. If we go to 24709 and actually Bob Winters got
- 3 a Bates mark below one, it shows down there a
- 4 part number 21403 safety cable?
- 5 A. Yes.
- 6 Q. Clear coated 125 foot long?
- 7 A. That's inches.
- 8 Q. Okay. Are these coming from Hanes?
- 9 A. Yes, they are.
- 10 Q. Okay.
- 11 A. As a matter of fact, if you look at the
- 12 freight type it says Haynes on the invoice.
- 13 Q. Are these the safety cables that are made out
- 14 of galvanized steel or are they made out of --
- 15 does it say there what these are?
- 16 A. It doesn't say what they're made out of, but I
- 17 have known them to be galvanized steel, yes.
- 18 Q. Clear coated, that would be the PVC coating,
- 19 correct?
- 20 A. Whatever the coating was. I'm going to call
- 21 it plastic for not knowing exactly what it
- 22 was.
- 23 Q. Okay, so why would this go through Delavan

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 Industries, Inc.?

2 MR. LARSON: Object to the form. Lack of
3 foundation, but if you know go ahead.

4 A. The orders would come to us because we would
5 know and understand the equipment itself and
6 because we had probably first built it. I'm
7 sure that it's like anything else. You go to
8 the OEM and get replacement parts.

9 Q. Okay. Delavan Industries, are you saying
10 they're the ones that first built the
11 trailers?

12 A. I'm saying that the New Delavan took on the
13 name of Delavan because Delavan is a
14 well-known entity being in business some fifty
15 years plus and, as such, the New Delavan also
16 acquired all the designs and rights to all the
17 designs and it's a follow-up or carry through.
18 Many of the personnel are the experienced
19 people from the original Delavan.

20 Q. Okay. Did you ever work for Commercial
21 Carriers, Inc.?

22 A. Through the name changes, yes, I did.

23 Q. When was that?

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 A. I think when they were really involved in
2 changing all the names was like the end of '93
3 through I'd have to say through near the end
4 of '94 when I moved up to division level.

5 Q. And what did you do for them?

6 A. Same thing. Well, in that transitional
7 period after moving out of engineering before
8 going to the field services support group I
9 just did test loading in the field and
10 assisted in engineering and assisted where
11 needed because I was aware of this opportunity
12 opening up for me up at the division level, so
13 it was an interim for me.

14 Q. And what you referred to as the New Delavan
15 industry?

16 A. Yes.

17 Q. What relationship do they have to the old
18 Delavan, Allied, Ryder, Commercial Carriers,
19 Inc.?

20 MR. LARSON: Object to the form. You may
21 answer if you know.

22 A. What relationship? A business relationship.

23 Q. Are they a subsidiary?

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 A. No.

2 Q. There's no cross ownership?

3 A. Not to my knowledge.

4 Q. Going back to this receipt from Delavan

5 Industries, part numbers 21403, correct?

6 A. Yes.

7 Q. And if you look through the -- I have got them

8 in some type of order here. I think on the

9 page one -- are we on the same number 25257?

10 A. Correct.

11 Q. Okay. I show a part number 21403-A?

12 A. Okay.

13 Q. Eyebolt safety cable clear coated 125 long?

14 A. Right.

15 Q. And then if you look to the rest of these we

16 have mostly, and we can attach these to the

17 depositions, but when we come to 21403 they're

18 all A's; 21403A?

19 A. Okay.

20 Q. Which I take it is the eyebolt type of design?

21 A. Yes.

22 Q. So it looks like sometime around March of '99

23 there was a change to the eyebolt type of

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 design, is that correct?

2 A. Yes.

3 Q. Do you know why that was done?

4 A. My only feeling on that was it was really done
5 for takeup purposes. We got a little more
6 threaded rod. We were having a lot of
7 problems in the field of installing them and
8 really even at Delavan installing them on the
9 refurbs.

10 When these receivers at the stands or
11 the posts go into -- this is my understanding.
12 If they weren't positioned correctly you got a
13 little variance, so we needed more take-up
14 room.

15 Q. Was there anything being done about replacing
16 cables because they were rusting?

17 A. I personally had not heard that. The only
18 thing I knew is that they were replacing
19 cables.

20 Q. So you knew they were replacing them?

21 A. Yeah. Well, obviously through these invoices
22 you can see there's a number of invoices, so
23 that to me is just showing me that twelve

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 cables on one, four, ten and twenty. I never
2 got into the whys or wherefores. I was happy
3 to be selling cables.

4 Q. Right. I understand, so you don't know why
5 they were replacing them from firsthand
6 knowledge. You just know they were replacing
7 them?

8 A. Yes.

9 Q. And they were replacing them with this eyebolt
10 design?

11 A. Yes.

12 Q. And in fact, the receipts I looked through
13 shows that after I think 3/13/99, a couple of
14 these might be out of date, I think the
15 invoice two away from here, invoice 25194 is
16 dated shipped 3/13/99. That is the first one
17 I show for the eyebolt design, but after that
18 they're all eyebolts?

19 A. Yes.

20 Q. Are you making the original design?

21 A. No. We only make that number. The original
22 number without the A was discarded for all
23 intents and purposes. It just refers us to

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 use the A.

2 Q. So 21403 was discarded?

3 A. Well, in terms of that part. We don't make

4 that any more.

5 Q. When did you stop making it?

6 A. Well, based on what you think to be the first

7 invoice showing it, 3/13/99.

8 Q. Okay. Are you still making the eyebolt design

9 now?

10 A. Yes.

11 Q. 21403-A or is that changed?

12 A. No. That's what we make.

13 Q. Are those still being ordered in the system?

14 A. Yes.

15 Q. Up to today's date?

16 A. Yes.

17 Q. Okay. Now, if we go through here after all

18 the eyebolt safety cable ones from Delavan

19 Industries, way back Mr. Winters included some

20 from a Sharrow Company, C.S. Sharrow Company,

21 Inc. Do you see that?

22 A. Yes, I do.

23 Q. First one Bob includes is his Bates number

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 F00105, invoice date 11/15/00. Who is
2 Sycamore Parts and Logistics, Inc.?
3 A. They're the former Allied Parts Connection.
4 They went through a name change. There were a
5 lot of hard feelings within their own entity
6 about having the same name as Allied, so they
7 changed their name.
8 Q. And when was that done if you know?
9 A. I really couldn't say. I couldn't say without
10 trying to find out or dig up a record some
11 place.
12 Q. But this one I'm looking at, invoice date
13 11/15/00, shows there's a cable being made.
14 It's nylon coated stainless steel?
15 A. Yes.
16 Q. Do you make those or do you order those?
17 A. No. We were asked to quote on that, but we
18 were not given that business.
19 Q. Okay.
20 A. They had directed it. Can you quote on a
21 stainless steel cable.
22 Q. So at some point in time you were asked to
23 give a quote to make them stainless steel?

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

- 1 A. That's correct.
- 2 Q. But for some reason they didn't go with you?
- 3 A. Yes. I guess it was the price.
- 4 Q. Okay. When was that?
- 5 A. Probably sometime before this or around the
- 6 first invoice and I'm looking at your Exhibit
- 7 F00105 and that's just a guess on my part as
- 8 to time frame.
- 9 Q. Okay, so as you sit here today is Allied Parts
- 10 Connection or Sycamore Parts still ordering
- 11 from you the eyebolt design as put in these
- 12 other invoices we have or have they stopped
- 13 ordering the eyebolt design?
- 14 A. I think they do both. Whatever they feel they
- 15 need to do at the time.
- 16 Q. Okay. So you're still getting orders on the
- 17 eyebolt design?
- 18 A. We've still been supplying them especially on
- 19 refurbs, yes.
- 20 Q. But you're not the one supplying any type of
- 21 stainless steel design?
- 22 A. Never did, no.
- 23 Q. When you say you supply it, what is it exactly

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 you do as far as this?

2 A. Well, when we receive an order --

3 Q. You would receive an order from Allied Parts
4 Connection, right?

5 A. Yes, now Sycamore Parts and Logistics, that's
6 correct, and then myself or someone in the
7 department would cut an order internally to
8 fill it. In other words, if we needed to --
9 if we had it in stock we'd cut the order and
10 ship it direct or if we needed to order from
11 our supplier, we would cut the order and
12 forward it on to purchasing. They would cut a
13 purchase order against that and have it
14 shipped to the field.

15 Q. Okay. Would you ship to Allied Parts
16 Connection or would you ship directly to the
17 terminals?

18 A. Wherever the instruction was to ship.

19 Q. Did you do both?

20 A. Yes.

21 Q. Did you ever have a problem with not being
22 able to supply the number requested?

23 A. No, not to my knowledge.

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 Q. Okay. So if it was ordered you could supply
2 it?

3 A. Yes. Be it from our stock or be it from
4 direct order through Hanes Supply.

5 Q. Did you get all of the eyebolt designs through
6 Hanes Supply?

7 A. Yes.

8 Q. You didn't deal with anyone else?

9 A. No, not to my knowledge.

10 Q. Okay. The previous orders, if you go back to
11 the beginning, the 21403, not the A but just
12 the 21403, did you get all those from Hanes
13 Supply?

14 A. Yes. They were the only people supplying us
15 with cable.

16 Q. Okay. One minute. Let me look at something.

17 A. Not a problem.

18 Q. You weren't manufacturing these cables in any
19 way?

20 A. No, sir.

21 Q. You were just storing the ones you have and
22 ordering new ones?

23 A. That's correct.

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 Q. And when you sent the cables -- strike that.

2 When you got the cables from Hanes did they
3 come with any type of instructions as to
4 maintenance?

5 A. No.

6 Q. Okay. They just gave you the cables?

7 A. That's correct.

8 Q. And did you forward any instructions to Allied
9 Parts Connection or Sycamore Logistics or
10 Allied or wherever the cables were going about
11 maintenance of the cables?

12 A. No.

13 Q. You just supplied the cables?

14 A. Yes.

15 MR. PAULUS: Thank you, sir. That's all I
16 have. Somebody else might have some
17 questions.

18

19 EXAMINATION BY MR. PAULUS:

20 Q. I have got a couple of questions for you, Mr.
21 Dash. Like I said before, I'm Craig Paulus
22 and I work for Hanes Supply. Earlier Mr.
23 Koustmer asked you if you got cables from

1 anybody besides Hanes Supply?

2 A. That's correct.

3 Q. But before that you told us that you didn't
4 have any involvement when the cables were
5 initially installed on the trucks, is that
6 right?

7 A. That's correct.

8 Q. So back in 1994 when these cables first
9 started appearing it's possible that some of
10 them did come from somebody other than Hanes
11 Supply?

12 MR. LARSON: Object to the form.

13 MR. KOUSTMER: Objection.

14 A. I do not think so.

15 Q. Do you have any personal knowledge of that,
16 they all came from Hanes Supply in 1994?

17 A. Well, in the engineering department itself we
18 did have a Hanes Supply book and they were the
19 only cable people I was aware of at that time
20 and --

21 Q. What Hanes Supply book are you talking about?

22 MR. LARSON: Were you done with your answer?

23 A. Yes.

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 Q. I didn't mean to interrupt you. I'm going to
2 show you a couple of books here. These are
3 three books. They are Hanes Supply and called
4 the Riggers Handbooks. There are three of
5 them here. I'm going to show you an old one
6 that has a white cover. Did it look like
7 this, the book you're talking about?

8 A. I believe it did or it had a blue cover with
9 white lettering.

10 Q. Okay.

11 A. It might have been a three ring binder. I
12 just don't remember.

13 Q. Did it look like this one? I'm showing you
14 what is a Hanes Supply Contractor and
15 Industrial Supplies Catalog, Catalog Number
16 11. Have you ever seen one of these?

17 A. It could be. I'm just not -- I can't remember
18 exactly.

19 Q. But Hanes Supply did give you some sort of
20 book?

21 A. Yes because it was on a book case in the
22 office.

23 MR. PAULUS: That's all I have.

1 MR. KOUSTMER: I don't have anything else if
2 Mr. Larson doesn't have anything else.

3 MR. LARSON: I'm trying to decide if I do.
4 Let me have a moment.

5

6 (Recess taken)

7

8 EXAMINATION BY MR. LARSON:

9 Q. I just have one question. Mr. Dash, when you
10 gave some testimony about the OEM you were
11 talking about the original equipment
12 manufacturer?

13 A. That's correct.

14 Q. And would it be correct that from 1994 through
15 the or toward the end of 1997 when Commercial
16 Carriers no longer manufactured trailers that
17 for that period of time that Commercial
18 Carriers, Inc. would have been what you refer
19 to as the OEM?

20 A. Yes, that's correct.

21 Q. But that subsequent to the formation of what's
22 called the New Delavan that it would not be
23 unusual for customers in the field to come to

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 the New Delavan for replacement parts on
2 equipment that may have originally been built
3 by Commercial Carriers?

4 A. Yes.

5 MR. LARSON: Thank you. That's all.

6

7 BY MR. PAULUS:

8 Q. I think I have one more question. It relates
9 to the relationship between the companies. Is
10 the New Delavan that you work for now, is that
11 on Lein Road?

12 A. That's correct.

13 Q. 199 Lein Road is the address?

14 A. Yes.

15 Q. Is that the address where Murray Recon used to
16 be located?

17 A. Yes.

18 Q. Do you have the same facilities there, same
19 factory and plant?

20 A. Yes, same everything.

21 Q. And the old Delavan and CCI, what was their
22 address?

23 A. Their last address was 199 Lein Road.

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202

1 Q. In 1993, '94 time frame were they at Walden
2 Avenue?

3 A. Yes.

4 Q. And you worked for them at Walden Avenue?

5 A. Yes.

6 Q. I want to ask you one more question that's off
7 the subject a little bit, but do you recall
8 ever making a hand cable -- a truck that was
9 equipped with hand cables in 1993 that was
10 shipped to Belgium?

11 A. I don't know the year, but I know that we did
12 make a truck that was shipped to Belgium, yes.

13 Q. I'm going to show you quickly what I have
14 marked as Bevilaqua Exhibit A and I apologize
15 for calling it Bevilaqua Exhibit A. I thought
16 he was going to be first, but could you take a
17 look at the document.

18 You might not recognize that document
19 itself, but I'm interested in whether that
20 product description matches what your
21 understanding was of the hand cables that went
22 on that Belgium truck we were just talking
23 about, and if you look on the second page of

1 that exhibit it describes that's three-eighth
2 inch by 152 inches 7 by 19 galvanized aircraft
3 cable coated with yellow. Then the next page,
4 a similar cable that's 90 inches long, the
5 next page same cable but 98 and a half inches
6 long, does that look like the same cable that
7 was on that Belgium truck? Does that
8 description match the cable that was on that
9 Belgium truck?

10 A. You know, I don't know.

11 MR. PAULUS: All right. I think that's it.

12 MR. KOUSTMER: Thank you, sir.

13

14 (Whereupon, the deposition concluded)

15 * * *

16

17

18

19

20

21

22

23

29

1 In re: Ferguson v Ryder, et al. 3/26/03
 2 DEPONENT: _____ DATE
 3 TAKEN: _____ STATE OF _____)
 4 SS: _____
 5 COUNTY OF _____)
 6 I wish to make the following changes, for the
 7 following reasons:
 8 PAGE LINE CHANGE:
 9
 10 CHANGE:
 11 REASON:
 12
 13 CHANGE:
 14 REASON:
 15
 16 CHANGE:
 17 REASON:
 18
 19 CHANGE:
 20 REASON:
 21 Signature: _____
 22 Subscribed and sworn to before me this
 23 ____ day of _____ 2003
 _____ Notary Public

DEPAOLO - CROSBY REPORTING SERVICES, INC.
 197 Delaware Avenue, Buffalo, New York 14202

1 STATE OF NEW YORK)

2

3) ss.

4

5 COUNTY OF ERIE)

6

7

8 I, Rebecca Lynne DiBello, Notary Public, in
9 and for the County of Erie, State of New York,
do hereby certify:

10 That the witness whose testimony appears
11 hereinbefore was, before the commencement of
12 their testimony, duly sworn to testify the
13 truth, the whole truth and nothing but the
14 truth; that said testimony was taken pursuant
15 to notice at the time and place as herein set
16 forth; that said testimony was taken down by
me and thereafter transcribed into
17 typewriting, and I hereby certify the
18 foregoing testimony is a full, true and
19 correct transcription of my shorthand notes so
taken.

20 I further certify that I am neither counsel
21 for nor related to any party to said action,
22 nor in anyway interested in the outcome
23 thereof.

20 IN WITNESS WHEREOF, I have hereunto
21 subscribed my name and affixed my seal this
22 _____ day of _____, 2003.

23 -----
Rebecca Lynne DiBello

DEPAOLO - CROSBY REPORTING SERVICES, INC.
197 Delaware Avenue, Buffalo, New York 14202